

John Wood Community College	Effective Date: 8/1/16
Student Services	Last Updated: 10/16/17
Equity Resolution Process for Allegations of Harassment, Sexual Misconduct and Other Discrimination	Approved by: Dean of Students Standard: Title IX



Purpose:

- A. John Wood Community College will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or staff.
- B. These procedures apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g. vandalism, physical abuse of another, etc.).
- C. All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks.

Overview:

- A. Upon notice to the Title IX Coordinator, the Equity Resolution Process (ERP) involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair.
- B. The investigation and the subsequent ERP determines whether the nondiscrimination policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

Equity Resolution Process:

- A. Allegations under the policy on nondiscrimination are resolved using the ERP. Members of the ERP team are announced during the annual distribution of the consumer information and student right-to-know mailing. Members of the ERP team are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:
 - 1. To provide sensitive intake for and initial advice pertaining to allegations
 - 2. To serve in a mediation or restorative justice role in conflict resolution
 - 3. To investigate allegations
 - 4. To act as process advisors to those involved in the ERP
 - 5. To serve on hearing panels for allegations
 - 6. To serve on appeal panels for allegations
- B. ERP team members also recommend proactive policies, and serve in an educative role for the community. The Title IX Coordinator appoints the ERP team which reports to the Title IX Coordinator.
- C. ERP team members receive annual training organized by the Title IX Coordinator, including a review of College policies and procedures as well as applicable federal and state laws and regulations so that they are able to

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appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

1. This training will include, but is not limited to:
 - a. How to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations
 - b. The College’s Discrimination and Harassment Policies and Procedures (including Sexual Misconduct)
 - c. Confidentiality and privacy
 - d. Applicable laws, regulations and federal regulatory guidance.

All ERP team members are required to attend annual training to be eligible to serve.

- D. The ERP team includes, but is not limited to, members from Human Resources, Student Services, Instruction, Campus Police, and Athletics. ERP team appointments should be made with attention to representation of groups protected by the harassment and non-discrimination policy.

Reporting Misconduct:

- A. Any member of the campus community, guest or visitor who believes that the Equal Opportunity, Harassment and Nondiscrimination policy has been violated should contact the Title IX Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an advisor or faculty member. Any member of the campus community, including visitors, may contact Campus Police to make a report. These individuals will in turn notify the Title IX Coordinator.
- B. All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator. All initial contacts will be treated with privacy. Specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the College’s obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation.
- C. In all cases, the College will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the campus community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

Preliminary Inquiry:

- A. Following receipt of notice or a report of misconduct, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party’s request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

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- B. In cases where the reporting party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the following:
 - 1. Conflict Resolution: Typically used for less serious offenses and only when both parties agree to conflict resolution
 - 2. Informal Resolution: A resolution without a hearing panel, or
 - 3. Formal Resolution: A resolution of contested allegations with a hearing panel.
- C. The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict resolution may only occur if selected by all parties. The parties can elect for informal resolution, but informal resolution may also apply if the responding party accepts responsibility for all alleged violations of policy. If either party or both parties select formal resolution, or the Title IX Coordinator determines that formal resolution is appropriate, the allegation will be addressed using the formal resolution option.
- D. If conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.
- E. Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party and the reporting party at an appropriate time during the investigation. The College aims to complete all investigations within sixty (60) days, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.
- F. If during the preliminary inquiry or at any point during the formal investigation the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator make an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

Interim Remedies/Actions:

- A. The Title IX Coordinator may provide reasonable interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation (i.e. to redress harm to the reporting party and the community and to prevent further violations). These remedies may include the use of internal resources and/or the appropriate referral for external resources. These remedies may include, but are not limited to:
 - 1. Referral to counseling and health services
 - 2. Referral to the Employee Assistance Program
 - 3. Education to the community
 - 4. Altering work arrangements for employees

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5. Providing campus escorts
 6. Providing transportation accommodations
 7. Implementing contact limitations between the parties
 8. Offering adjustments to academic deadlines, course schedules, etc.
- B. The College may interim suspend a student, employee or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for a recommendation of discipline up to and including expulsion or termination.
- C. During an interim suspension or administrative leave, a student or employee may be denied access to College facilities and/or events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, reasonable alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.
- D. The College will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the College's ability to provide the interim actions or protective measures.

Investigation:

- A. Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints an ERP team member(s) to conduct the investigation. Investigations are completed expeditiously, though some investigations may take longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.
- B. The College may undertake a short delay in its investigation to allow evidence collection, when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
- C. All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.
- D. The investigator(s) will typically take the following steps, if not already completed (not necessarily in order):

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1. In coordination with campus partners (e.g. the Title IX Coordinator), initiate or assist with any necessary remedial actions
2. Determine the identity and contact information of the reporting party
3. Identify all policies allegedly violated
4. Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy
 - a. If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action
5. Meet with the reporting party to finalize their statement
6. Prepare the notice of allegations on the basis of the preliminary inquiry
7. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview
8. Prepare the notice of allegation on the basis of the preliminary inquiry
9. If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an ERP team member or other advisor of their choosing present for all meetings attended by the advisee
10. Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result
11. Prior to the conclusion of the investigation, when confidentiality is not an issue, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding
12. Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses
13. Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered
14. Complete the investigation promptly, and without unreasonable deviation from the intended timeline
15. Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate
16. Once the report is complete, the report is shared with the parties for their review and comment. The investigator(s) may incorporate feedback from the parties as appropriate

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17. Recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence or other appropriate predetermined evidentiary standard
 18. If necessary, with the Title IX Coordinator, finalize and present the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings
 19. Share the findings and update the reporting party on the status of the investigation and responding party's decision on the finding, without undue delay
- E. At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.
- F. Witnesses are expected to cooperate with and participate in the College's investigation and the ERP.
1. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing.
 2. Failure of a witness to cooperate with and/or participate in the investigation or ERP constitutes a violation of policy and may be subject to discipline.
 3. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed by phone, Facetime, or Skype, if they cannot be interviewed in person or if the investigator(s) determines that timeliness or efficiency dictate a need for remote interviewing.
 4. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during the hearing and/or appeal stages of the process if it could have been offered during the investigation.
 5. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.
- G. No unauthorized audio or video recording of any kind is permitted during investigation meetings or other ERP proceedings.

Advisors:

- A. Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination.
1. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness.
 2. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible.
 3. Witnesses cannot also serve as advisors.
 4. The parties may choose advisors from inside or outside the campus community.

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5. The Title IX Coordinator will also offer to assign a trained ERP team member to work as an advisor for any party.
 6. The parties may choose their advisor from the ERP team, choose a non-trained advisor, if preferred, or proceed without an advisor.
- B. The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.
- C. All advisors are subject to the same ERP rules, whether they are attorneys or not.
1. Advisors may not address College officials in a meeting or interview unless invited to.
 2. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or hearing panelists.
 3. The reporting party and responding party are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.
 4. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with College officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.
- D. Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.
- E. The College expects that the parties will wish to share documentation related to the allegations with their advisors. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.
- F. The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability

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to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

- G. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.
- H. Where an employee is a member of a union and entitled to a union representative in the process, that employee may be accompanied by the union representative as their advisor or may choose an advisor in addition to their union representative. In such cases, the other party may have two advisors as well.
- J. In cases where the reporting party and/or responding party is under 18 years of age, the party may have their parent or guardian present as an advisor and may also choose another advisor in addition to their parent or guardian. In such cases, the other party may have two advisors as well.
- I. The parties must advise the investigator(s) of the identity of their advisor one (1) day before the date of their first meeting with investigators and the parties must provide timely notice to the investigator(s) if they change advisors at any time.

Conflict Resolution:

- A. Conflict resolution proceedings are private. All persons present at any time during the meeting are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the meeting are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.
- B. Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts.
 1. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution.
 2. In a conflict resolution meeting, the Title IX Coordinator will facilitate a dialogue with the parties to an effective resolution.
 3. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies.
 4. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.
 5. Conflict Resolution will not be the primary mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial.
 6. Mediation will not be used in cases of sexual violence.
 7. It is not necessary to pursue conflict resolution first in order to pursue informal or formal resolution, and

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either party participating in conflict resolution can stop that process at any time and request a shift to either informal or formal resolution.

Informal Resolution:

- A. Informal resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. This option may be used when:
 - 1. A responding party admits responsibility for all or part of the alleged policy violations at any point in the process
 - 2. When the investigation reaches a finding that the parties accept
 - 3. When both parties elect to resolve the allegation using the informal resolution process and the Title IX Coordinator agrees

- B. In informal resolution, the investigator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment and Nondiscrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

- C. Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

- D. Unless the investigator determines it is appropriate, the investigation and the finding will not consider:
 - 1. Incidents not directly related to the possible violation, unless they show a pattern
 - 2. The sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties)
 - 3. The character of the reporting party.

While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigator(s) may consider information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

- E. The investigator(s) will not meet with character witnesses, but investigator(s) will accept letters supporting the character of each of the parties.

- F. The investigator(s) will base the determination(s) on the preponderance of the evidence.

- G. At the close of an investigation which determines the responding party is in violation of policy, the Title IX Coordinator will meet with the responding party to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations. If the

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responding party admits responsibility, in whole or in part, the Title IX Coordinator will render a determination that the individual is in violation of College policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations.

- H. If the responding party admits to the violation(s), the Title IX Coordinator, in consultation as appropriate, will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.
- I. If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the formal resolution procedures.
- J. If alleged misconduct is resolved at this stage, the Title IX Coordinator will inform the parties of the final determination without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the parties; or emailed to the parties. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share, and the rationale supporting the essential findings to the extent the College is permitted to share. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and any appeals options that are available.
- K. At any point during the informal resolution process, including at its conclusion, either party may request that the matter be referred to the formal resolution process for presentation before a hearing panel.

Formal Resolution:

- A. For all contested allegations that are not resolved through either conflict resolution or informal resolution, the Title IX Coordinator will initiate a formal hearing panel at the conclusion of the investigation.
- B. Hearing Panels:
 - 1. The Title IX Coordinator will empanel three (3) ERP team members to the hearing panel, none of whom have been previously involved with the allegation. The investigator(s) will be a witness in the hearing of the allegation and therefore may not serve as hearing panel members. Those who are serving the parties as advisors, if any, are not eligible to serve as panelists. The panel will meet at a time determined by the Title IX Coordinator.
- C. Notice of Hearing:
 - 1. In advance of the hearing, the Title IX Coordinator will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:
 - a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.

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- b. The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence.
 - c. Notification that the parties may have the assistance of an advisor of their choosing at the hearing.
 - 2. Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the sixty (60) day goal for resolution.
- D. Hearing Procedures:
 - 1. Hearing panels will be convened after the completion of the investigation, and will be conducted in private. The panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the panel's jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.
 - 2. Participants will include the Title IX Coordinator, the three (3) ERP team members of the panel, the investigator(s), the reporting party, responding party, or three (3) organizational representatives where an organization is charged, advisors, and any witnesses.
- E. Pre-Hearing:
 - 1. The Title IX Coordinator will exchange the names of witnesses who will be participating in the hearing, all pertinent documentary evidence and the investigation report between the parties at least two (2) days prior to the hearing.
 - 2. Any witness scheduled to participate in the hearing must have been interviewed first by the investigator(s), unless all parties consent to the participation of that witness in the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least two (2) days in advance of the hearing.
 - 3. All objections to any panelist must be raised in writing to the Title IX Coordinator as soon as possible. Hearing panel members will only be unseated if the Title IX Coordinator concludes that their bias precludes an impartial hearing of the allegation.
 - 4. The panelists will be given a list of the names of each parties and witnesses at least two (2) days in advance of the hearing.
 - 5. Any panelist who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.
 - 6. The Title IX Coordinator, in consultation with the parties and investigator(s), may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing.

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7. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties.
8. If alternative attendance or questioning mechanisms are desired, such as the reporting party not wanting to be in the same room as the responding party for the hearing, the parties should request them from the Title IX Coordinator prior to the hearing.
9. In the case of documented disabilities for which accommodations in the process are necessary, the College will make reasonable accommodations for the parties when requested in advance.

F. Investigator Presents the Report:

1. Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the panel.
2. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Title IX Coordinator.
3. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions.
4. Once the investigator(s) present their report and are questioned, the panel will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The panel will then permit all present witnesses to provide relevant information and the panel and the parties will each be allowed to ask questions of the witnesses. Questions are usually directed to the parties and witnesses through the panel at the discretion of the Title IX Coordinator.

G. Evidence Presented at the Hearing:

1. Formal rules of evidence do not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence.
2. The Title IX Coordinator will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial.
3. The Title IX Coordinator will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.
4. Unless the Title IX Coordinator determines it is appropriate, no one will present information or raise questions concerning:
 - a. Incidents not directly related to the possible violation, unless they show a pattern
 - b. The sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties)

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c. The character of the reporting party.

While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigator(s) will supply the panel with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

5. There will be no observers in the hearing. The Title IX Coordinator may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved, and then be excused. The panel does not hear from character witnesses, but will accept letters supporting the character of each of the parties.
6. In hearings involving more than one responding party or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.
7. Formal resolution proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.
8. Hearings are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate College officials will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

H. Alternative Testimony Options:

1. For sexual misconduct reports, and other reports of a sensitive nature, the reporting party will be offered alternative testimony options, such as placing a privacy screen in the hearing room, or testifying outside the physical presence of the responding party.
2. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

I. Deliberation and Decisions:

1. The hearing panel and the Title IX Coordinator will deliberate in closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The panel will base its determination(s) on a preponderance of the evidence or a predetermined evidentiary standard. If a responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions.
2. The Title IX Coordinator will prepare a written deliberation report detailing the recommended finding, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions.

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3. The Title IX Coordinator will finalize the recommendations and will inform the parties of the final determination – both the finding(s) and applicable sanction(s). Notification will be made in writing and may be delivered in person, mailed, or emailed. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share, and the rationale supporting the essential findings to the extent the College is permitted to share. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization and any appeals options that are available.

J. Sanctions:

1. The hearing panel assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:
 - a. The nature, severity of, and circumstances surrounding the violation
 - b. An individual’s disciplinary history
 - c. Previous allegations or allegations involving similar conduct
 - d. Any other information deemed relevant by the hearing panel
 - e. The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
 - f. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
 - g. The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community
2. Student Sanctions: The following are the usual sanctions that may be imposed upon students or organizations singly or in combination (ranging from Warning to Expulsion):
 - a. Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.
 - b. Probation: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
 - c. Suspension: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the College. This sanction may be noted as a

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Conduct Suspension on the student’s official transcript, at the discretion of the Title IX Coordinator.

- d. Expulsion: Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student’s official transcript.
 - e. Organizational Sanctions: Deactivation, de-recognition, and/or loss of all privileges for a specified period of time.
 - f. Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.
3. Employee Sanctions:
- a. Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation will be determined by Human Resources in consultation with the Title IX Coordinator and the employee’s supervisor(s) and include all employee disciplinary options up to and including termination.

Withdrawal While Charges Pending:

- A. The College does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination.
- B. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to the College unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Resignation While Charges Pending:

- A. Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

Appeals:

- A. All requests for appeal consideration must be submitted in writing to the Title IX Coordinator, within three (3) days of delivery of the written finding of the hearing panel. Any party may appeal the findings and/or sanctions.
- B. A three (3) member appeals panel chosen from the ERP team will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:
 - 1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

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2. To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
 3. The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the responding party.
- C. The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other parties, who may file a response within three (3) days and/or bring their own appeal on separate grounds within the original timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. This response or appeal requests will be shared with the each party.
- D. Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:
1. Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
 2. Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original hearing panel merely because they disagree with its finding and/or sanctions.
 3. Appeals granted based on new evidence should normally be remanded to the original hearing panel or investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the appeals panel.
 4. Sanctions imposed as the result of the formal or informal resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - a. For students: Graduation, internships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
 5. The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days from hearing of the appeal or remand.
 6. All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand.

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7. Once an appeal is decided, the outcome is final – further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
8. All parties will be informed in writing of the outcome of the appeals panel and in accordance with the standards for notice of outcome.
9. In rare cases where a procedural error cannot be cured by the original hearing panel, the appeals panel may recommend a new hearing with a new hearing panel. The results of a remand to a hearing panel cannot be appealed. The results of a new hearing can be appealed on any of the three applicable grounds for appeals.
10. In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions:

- A. Following the conclusion of the ERP and in addition to any sanctions implemented, the Title IX Coordinator may utilize reasonable long-term remedies or actions to stop the harassment or discrimination and/or remedy its effects and prevent their reoccurrence. These remedies may include the use of internal resources and the appropriate referral for external resources. These remedies/actions may include, but are not limited to:
 1. Referral to counseling and health services
 2. Referral to the Employee Assistance Program
 3. Education to the community
 4. Permanently altering work arrangements for employees
 5. Providing campus escorts
 6. Climate surveys
 7. Policy modification
 8. Providing transportation accommodations
 9. Implementing long-term contact limitations between the parties
 10. Offering adjustments to academic deadlines, course schedules, etc.
- B. At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

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- C. The College will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the College's ability to provide the actions or protective measures.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions:

- A. All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator.
- B. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the college and may be noted on a student's official transcript.
- C. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Records:

- A. In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely.

Statement of the Reporting Party's Rights:

1. The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College officials
2. The right to be informed in advance of any public release of information regarding the incident
3. The right not to have any personally identifiable information released to the public, without their consent
4. The right to be treated with respect by College officials
5. The right to have College policies and procedures followed without material deviation
6. The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence
7. The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities
8. The right to be informed by College officials of options to notify proper law enforcement authorities, including Campus Police and local police, and the option to be assisted by College authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well
9. The right to have reports of sexual misconduct responded to promptly and with sensitivity by Campus Police and other College officials

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10. The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community
11. The right to a campus no contact order when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others
12. The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available. Accommodations may include:
 - a. Transportation accommodations
 - b. Exam (paper, assignment) rescheduling
 - c. Taking an incomplete in a class
 - d. Transferring class sections
 - e. Temporary withdrawal
 - f. Alternative course completion options
13. The right to have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures
14. The right to be fully informed of College policies and procedures as well as the nature and extent of all alleged violations contained within the report
15. The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses
16. The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing
17. The right to be informed of the names of all witnesses who will be called to give testimony prior to the hearing, except in cases where a witness's identity will not be revealed to the responding party for compelling safety or confidentiality reasons
18. The right not to have irrelevant prior sexual history admitted as evidence
19. The right to regular updates on the status of the investigation and/or resolution
20. The right to have reports heard by hearing and appeals officers who have received annual sexual misconduct training
21. The right to a panel that is not single-sex in its composition, if a panel is used

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22. The right to preservation of privacy, to the extent possible and permitted by law
23. The right to meetings, interviews and/or hearings that are closed to the public
24. The right to petition that any College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest
25. The right to bring an advisor(s) of the reporting party's choosing to all phases of the investigation and resolution proceeding
26. The right to provide evidence by means other than being in the same room with the responding party
27. The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions of all present witnesses, and the right to challenge documentary evidence
28. The right to be present for all testimony given and evidence presented during any resolution-related hearing
29. The right to submit an impact statement in person or in writing to the hearing officers following determination of responsibility, but prior to sanctioning
30. The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties
31. The right to be informed in writing of when a decision by the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College

Statement of the Responding Party's Rights:

1. The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to College officials
2. The right to be informed in advance, when possible, of any public release of information regarding the report
3. The right to be treated with respect by College officials
4. The right to have College policies and procedures followed without material deviation
5. The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services
6. The right to timely written notice of all alleged violations, including the nature of the violation(s), the applicable policies and procedures and possible sanctions

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7. The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation
8. The right to review all documentary evidence available regarding the report, subject to privacy limitations, prior to the hearing
9. The right to be informed of the names of all witnesses who will be called to give testimony, prior to the hearing, except in cases where a witness's identity will not be revealed to the responding party for compelling safety and confidentiality reasons
10. The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process
11. The right to have reports heard by hearing and appeals officers who have received annual training
12. The right to petition that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict of interest
13. The right to a panel that is not single-sex in its composition, if a panel is used
14. The right to meetings, interviews and hearings that are closed to the public
15. The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions of all present witnesses, and the right to challenge documentary evidence
16. The right to have an advisor(s) of their choice to accompany and assist in the campus resolution process
17. The right to a fundamentally fair resolution, as defined in these procedures
18. The right to submit an impact statement in person or in writing to the hearing officers board following any determination of responsibility, but prior to sanctioning
19. The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice
20. The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties
21. The right to be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College

Disabilities Accommodation in the Equity Resolution Process:

- A. The College is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the ERP at the College.
- B. Anyone needing such accommodations or support should contact the Coordinator of Disability Services, who

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will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

Revision:

- A. These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to these procedures as necessary. The Title IX Coordinator may vary procedures materially with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure (e.g. changes in the evidentiary standard).
- B. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts these procedures, the procedures will be construed to comply with government regulations in their most recent form.